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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,906	10/19/2001	Marc LeFevre	10013125-1	7302

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EXAMINER

SHAH, NILESH R

ART UNIT PAPER NUMBER

2195

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/981,906	Applicant(s) LEFEVRE ET AL.	
	Examiner Nilesh Shah	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1- 3, 5-9, 11, 13, 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1- 3, 5-9, 11, 13, 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1- 3, 5-9,11,13,15-19 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1- 3, 5-9,11,13,15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 1, line 6 O/S must be spelled out the first time it is used in the claims.
4. In claim 1, lines 5-7 it is unclear how a command can be O/S dependent? Is there a way for a command to not be O/S dependent? All commands must at some level run through an O/S.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1- 3, 5-9,11,13,15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratnaraj et al (6,185,567) (hereinafter Ratnaraj) in view of Fink (6,289,463).

7. As per claim 1, Ratnaraj teaches the invention substantially as claimed including a method for configuring a target device to operate as peripheral hardware for a host device, comprising the computer executed steps of:

determining if there is a match of the log-in request host designator to a host designator (fig. 4 element 90; col.1 lines 54-66; col. 3 lines 20-26; col. 3 lines 46-50; col. 5 lines 5-8; col. 9 lines 25-34; col. 3 lines 7 lines 16).

8. Ratnaraj does not specifically teach the use of an selecting an operating system.

Fink teaches accessing a table of host designators and associated O/S protocol types (fig. 3 element 302,310,305; col. 7 lines 25-50);

receiving a log-in request to connect the target device to the host device, wherein the log-in request includes a host designator identifying a type of host device(col. 2 lines 25-40; col. 4 lines 40-66);

receiving a command from the host device, determining if the command is an O/S dependent command (fig. 3 element 302,310,305; col. 7 lines 25-50; col.3 lines 1-17);

selecting an O/S type protocol associated with the match to the host designator such that the O/S protocol selected is used by the target device to interpret commands received from the host device (col. 2 lines 25-40; col. 4 lines 40-66; col.3 lines 1-17).

9. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Fink and Ratnaraj because Fink's use of being able to select an operating system would improve Ratnaraj's system by allowing for each user to be able to change from different operating system.

10. As per claim 2, Ratnaraj teaches a method wherein the host designator is a worldwide name (col. 1 lines 10-13).
11. As per claim 3, Fink teaches a method further comprising the step of determining if a mode parameter is set for a default O/S protocol; and selecting that default O/S protocol unless there is a match of the log- in request host designator in the table (fig. 3 element 302,310,305; col. 7 lines 25-50; col.3 lines 1-17).
12. As per claim 5, Fink teaches a method further comprising the step of storing the table in non-volatile memory in the target device (col. 4 lines 50-60).
13. As per claim 6, Fink teaches a method wherein the target device is a memory array (col. 4 lines 50-60).
14. Claim 7 is rejected based on claim 1 above.
15. Claim 8 is rejected based on claim 2 above.
16. Claim 9 is rejected based on claim 5 above.
17. Claim 10 is rejected based on claim 4 above.

18. Claim 11 is rejected based on claim 1 above.

19. Claim 13 is rejected based on claim 3 above.

20. As per claim 15, Fink a method wherein the target device communicates with the host device via a SCSI interface (col. 4 lines 10-25; col. 5 lines 22-37; col. 2 lines 33-39).

21. As per claim 16, Fink a method, wherein the target device is directly connected to the host device via the SCSI interface (col. 4 lines 10-25; col. 5 lines 22-37; col. 2 lines 33-39).

22. As per claim 17, Fink a method wherein the target device is a peripheral device of the host (col. 4 lines 10-25; col. 5 lines 22-37; col. 2 lines 33-39).

23. As per claim 18, Fink a method wherein the target device communicates with the host device via a SCSI interface (col. 4 lines 10-25; col. 5 lines 22-37; col. 2 lines 33-39).

24. As per claim 19, Fink a method wherein the target device is directly connected to the host device via the SCSI interface (col. 4 lines 10-25; col. 5 lines 22-37; col. 2 lines 33-39).

Response to Arguments

25. Applicant's arguments with respect to claims 1- 3, 5-9,11,13,15-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wolff (6,185,601) teaches the use of operating system dependent commands; Dorn et al (6,012,081) also teaches the use of an operating system dependent command.
27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh Shah whose telephone number is (571)272-3771. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nilesh Shah
Examiner
Art Unit 2195

NS
December 5, 2005


MENG AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2195